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Planning Commission Date: May 14, 2003

Item No.

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearing

Report Prepared by: Troy Fujimoto

Public Hearing: Yes: X No:

Notices Mailed On: 5/1/03

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Posted On: 5/2/03

TITLE: **MINOR TENTATIVE PARCEL MAP (P-MI2003-1)**

Proposal: Request to legalize an existing parcel as a lot of record through the subdivision map process.

Location: 600 Evans Road

APN: 029-30-017

RECOMMENDATION: **Approval with Conditions**

Applicant: Harry Babicka, 14583 Big Basin Way, Saratoga, CA 95070

Property Owner: Chi Mai and Hang Bui, 600 Evans Road, Milpitas, CA 95035

Previous Action(s): Hillside Site and Architecture Approval, Time Extension

Environmental Info: N/A

General Plan Designation: Hillside Very Low

Present Zoning: Single Family Hillside (R1-H)

Existing Land Use: Vacant lot

Agenda Sent To: Applicant, Owner (as noted above)

Attachments: Tentative Map

PJ#2285

BACKGROUND

In March 2001, the City Council approved a hillside home at 600 Evans Road. Subsequently, the project received a time extension in November 2002 and approval for landscaping and retaining wall in January 2003. As part of the time extension approval was a special condition that required the applicant to legalize the parcel.

Site and Area Description

The 6.15-acre parcel is located off of Evans Road, near Quince Lane and Old Calaveras Road. To the north, east, and south of the property are hillside single-family homes and ranch lands. To the west are valley floor single-family homes.



View looking northeast at the site

THE APPLICATION

The applicant is requesting approval of a Minor Tentative Parcel Map, pursuant to Section XI-I-6.01 of the Subdivision Ordinance, to legalize a parcel as an official lot of record. This application complies with Condition of Approval No. 18 of Time Extension (P-TE2002-4) and the Hillside Site and Architectural approval that occurred in 2002 and 2001 respectively. The Engineering Division's condition of approval requires the applicant to file a tentative parcel map with the City and record the parcel map. At the time of approval, it was not clear whether the parcel was legal. Since that time it was determined that a tentative map application would be required.

ISSUES

Conformance with the General Plan

The proposed Minor Tentative Parcel Map is consistent with Implementing Policy 2.a-I-15 (inclusion of open space areas) in that this map will have large portions of the site as open space areas. In addition, it is also consistent with Policy 2.a-I-16 (limiting development in the hillside area to very low density residential) in that the project is in the Very Low Density Residential area of the Hillside.

Conformance with the Zoning Ordinance

Pursuant to Section XI-10-45.01 of the Zoning Ordinance, the proposed Minor Tentative Parcel Map will create a legal lot that will conform with the purpose and intent of the Hillside Combining District. This is accomplished by meeting the Developments Standards for the Hillside Single Family District as shown in the table below:

Development Standards	R1-II Zoning Regulations	Proposed
Maximum House Size	10,000 sf	5,237 sf
Driveway Width	14 feet	20 feet
Front Yard Setback	25 feet	Over 25 feet
Side and Rear Setbacks	40 feet	Over 40 feet

*Please note that these figures are taken from the original approval of the home, as the project and associated lot lines have not changed since the original approval.

Conformance with the state Subdivision Map Act & city Subdivision Ordinance

With respect to approving the subject application, the Subdivision Map Act defers to local ordinance. The City's Subdivision Ordinance requires design and improvement consistency with the General Plan. As previously mentioned, the proposed Minor Tentative Parcel Map is in conformance with General Plan.

Conformance with CEQA

The proposed project was reviewed initially as part of previously adopted Environmental Impact Analysis No. 755 (hillside home). Because the tentative map does not change the original project approval and was reviewed previously, it is exempt from further environmental review.

RECOMMENDATION

Close the public hearing and approve the Minor Tentative Parcel Map based on the findings and conditions listed below.

FINDINGS

1. The proposed Minor Tentative Parcel Map is in conformance with the General Plan in that it meets the implementing policies for hillside development.
2. The proposed Minor Tentative Parcel Map is in conformance with the Zoning Ordinance in regards to purpose, intent and development standards of the R1-H zoning district.
3. The proposed Minor Tentative Parcel Map is consistent with the state Subdivision Map Act and the city Subdivision Ordinance.
4. The proposed Minor Tentative Parcel Map is exempt from further environmental review as it is a condition of approval and conforms to the previously adopted EIA No. 755.

SPECIAL CONDITIONS

1. This approval is for a Minor Tentative Parcel Map to legalize a 6.15-acre lot as shown on plans dated May 14, 2003 (APN 029-30-017). (P)
2. The proposed project shall be conducted in compliance with all applicable federal, state, and local regulations. (P)
3. If at the time of application for permit there is a project job account past due balance to the City for recovery of review fees, review of permits will not be initiated until the balance is paid in full. (P)
4. The issuance of building permits to implement this land use development will be suspended if necessary to stay within (1) available water supplies, or (2) the safe or allocated capacity at the San Jose/Santa Clara Water Pollution Control Plant, and will remain suspended until water and sewage capacity are available. No vested right to the issuance of a building permit is acquired by the approval of this land development review. The foregoing provisions are a material (demand/supply) condition to this approval. (E)
5. Prior to parcel map approval, the developer shall obtain design approval and bond for all necessary public improvements along Evans Road, including but not limited to curb and gutter, pavement, signage and striping, street lights, fire hydrants, storm drain, sewer and water services. Plans for all public improvements shall be prepared on Mylar (24"x36" sheets) with City Standard Title Block and a digital format of the Record Drawings (AutoCAD format is preferred) shall be submitted upon completion of improvements. The developer shall also execute a secured public improvement agreement. The agreement shall be secured for an amount of 100% of the engineer's estimate of the construction cost for faithful performance and 100% of the engineer's estimate of the construction cost for labor & materials. (E)
6. The developer shall not obstruct the noted sight distance areas as indicated on the City standard drawing #405. Overall cumulative height of the grading, landscaping and signs as determined by sight distance shall not exceed 2 feet when measured from street elevation. (E)
7. Make changes as noted on Engineering Services Exhibit "T" (dated 4/21/03) and submit a revised tentative map to the Planning Division. (E)

8. The tentative parcel map and all final maps shall designate all common lots and easements as lettered lots or lettered easements. (E)
9. Show on the tentative parcel map how the site will drain. Drainage facilities outletting sump conditions shall be designed to convey the flows and protect all buildings. (E)
10. The parcel map shall be recorded prior to issuance of building permit. (E)
11. The developer shall dedicate on the parcel map necessary public service utility easements and street easements along Evans Road, as further shown on Engineering Services Exhibit "T" (dated 4/21/03). (E)
12. Prior to any work within public right-of-way or City easement, the developer shall obtain an encroachment permit(s) from the City of Milpitas Engineering Division. (E)
13. Prior to building permit issuance, the developer shall execute an encroachment permit agreement with the City of Milpitas for the construction and maintenance of the proposed drainage ditch and sedimentation basin within the Public Service Utility Easement (PSUE). (E)

(P) = Planning Division

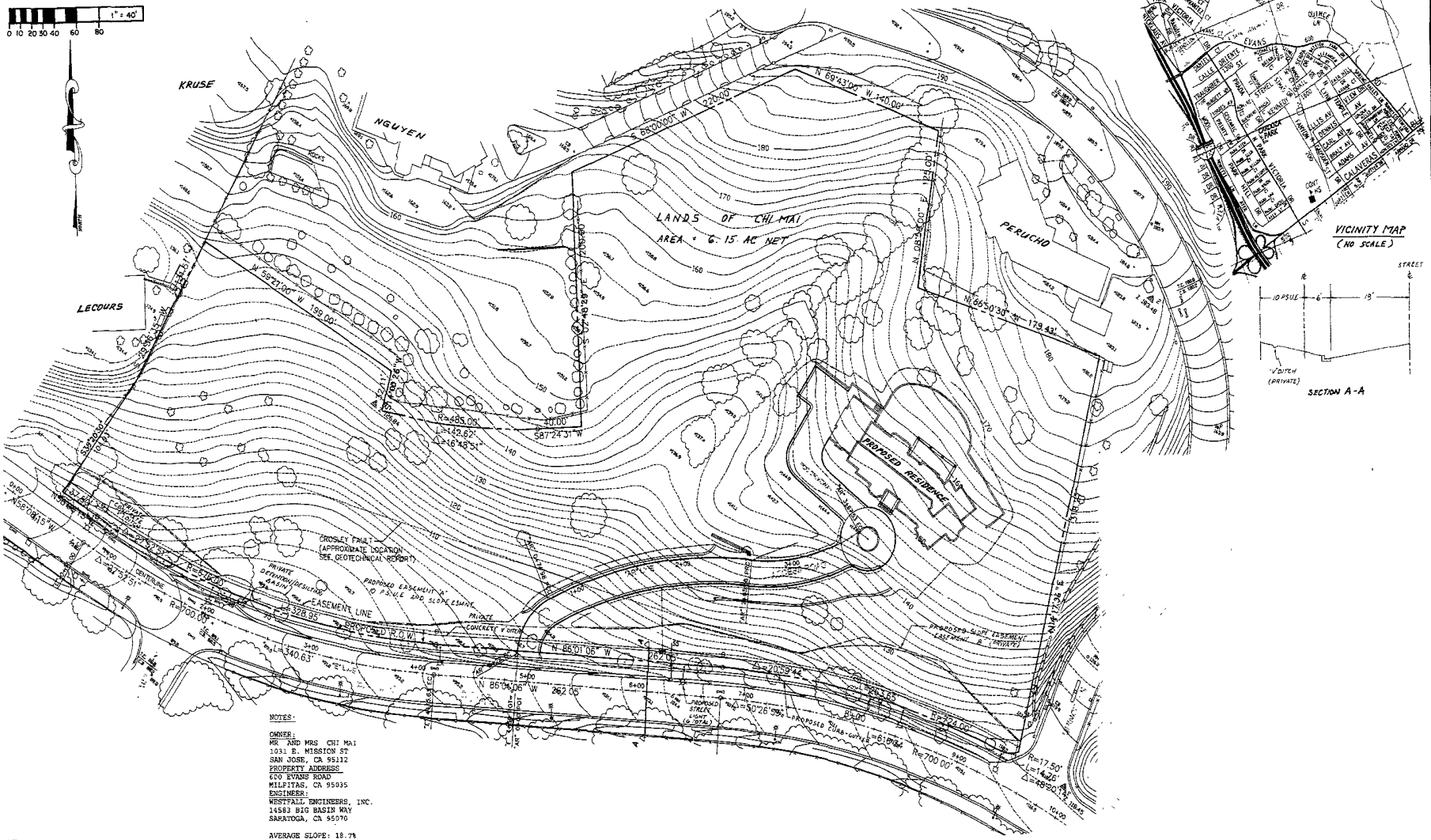
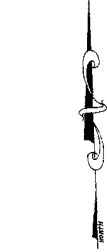
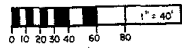
(E) = Engineering Division

NOTES TO THE APPLICANT

The following notes pertain to administration of the City codes and ordinances, which are not part of the zoning ordinance regulations. The applicant shall not consider these notes as approval from any Department. Additional requirements may be made prior to permit issuance. These notes are provided to assist in the permit process in the event of approval.

ENGINEERING DIVISION [For further information regarding the following notes please contact Robert Wang at (408) 586-3327]:

1. It is the responsibility of the developer to obtain any necessary encroachment permits from affected agencies, including but not limited to, Pacific Gas and Electric, SBC, AT&T Broadband, Santa Clara Valley Water District, and City of Milpitas Engineering Division. Copies of approvals or permits from other agencies must be submitted to the City of Milpitas Engineering Division.
2. Prior to building permit issuance, developer must pay all applicable development fees, including but not limited to, plan check and inspection deposit. These fees are collected as part of the secured public improvement agreement.



- LEGEND:**
- EXIST. 10' CONTOUR
 - EXIST. 2' CONTOUR
 - PROPERTY LINE
 - EASEMENT LINE
 - CENTERLINE
 - FENCE LINE

NOTES:

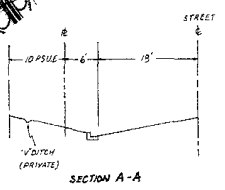
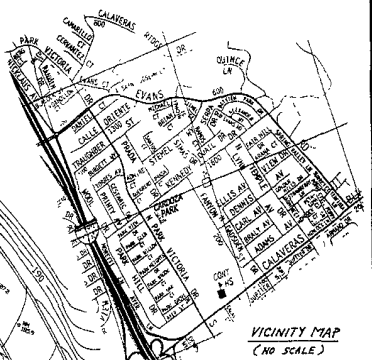
OWNER:
MR. AND MRS. CHI MAI
1031 E. MISSION ST.
SAN JOSE, CA 95112
PROPERTY ADDRESS:
600 EVANS ROAD
MILPITAS, CA 95095
ENGINEER:
WESTFALL ENGINEERS, INC.
14563 BIG BASIN WAY
SARATOGA, CA 95070

AVERAGE SLOPE: 18.7%
TOTAL GROSS ACRES: 6.92 AC, 301,661.3 SF
TOTAL NET ACRES: 6.15 AC, 268,059.6 SF

USE: VACANT
PROPOSED USE: RESIDENTIAL
WATER: CITY OF MILPITAS
EXISTING WELLS: NONE
SEWER: MILPITAS SANITARY DISTRICT
STREET TREES: BY CITY REQUIREMENTS
GAS AND ELECTRIC: PG&E
TELEPHONE: SBC
CABLE TV: AT&T BROADBAND
STREET LIGHT: INSTALLED PER CITY STD AND MAINTAINED BY CITY
UTILITY: CITY OF MILPITAS

STATEMENT: PUBLIC UTILITIES AND IMPROVEMENTS TO BE INSTALLED PER CITY STD & REQUIREMENT AND DEDICATED TO THE CITY OF MILPITAS

EASEMENT "A": PUBLIC SERVICE UTILITY EASEMENT AND SLOPE EASEMENT
EASEMENT "B": PRIVATE SLOPE EASEMENT



NO.	BY	DATE	REVISION
1	HB	9/9/03	CORRECTIONS FOR CITY REVIEW, FEB. 11, 2003

BY	DATE	DATE: 01-21-03
HARRY BADICKA	DATE:	HARRY BADICKA
L.S. 4953		



WESTFALL ENGINEERS, INC.

14563 BIG BASIN WAY, SARATOGA, CA 95070 (408) 867-0244

TENTATIVE MAP
LANDS OF CHI MAI
A.P.N. 029-30-017
600 EVANS ROAD, MILPITAS, CALIFORNIA

JOB NO.	22080
SHEET	1
OF	1